Supreme Court, U. S.
FILED
JUL 5 1979
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 78, Original

STATE OF CALIFORNIA,
Plaintiff,
vs.
STATE OF ARIZONA and the
UNITED STATES OF AMERICA,
Defendants.

AMENDED ANSWER OF THE STATE OF ARIZONA

ROBERT K. CORBIN
Attorney General of the
State of Arizona

RUSSELL A. KOLSRUD
Assistant Attorney General
State Capitol
West Addition - Second Floor
1700 West Washington
Phoenix, Arizona 85007
Telephone (602) 255-3562

Attorneys for Defendant
State of Arizona

IN THE

Supreme Court of the United States

OCTOBER TERM, 1977

No. 78, Original

STATE OF CALIFORNIA,
Plaintiff,
vs.
STATE OF ARIZONA and the
UNITED STATES OF AMERICA,
Defendants.

AMENDED ANSWER OF THE STATE OF ARIZONA

The State of Arizona, by its Attorney General, Robert K. Corbin and Assistant Attorney General Russell A. Kolsrud, pursuant to leave of Court hereby amends its answer to the complaint filed herein and admits, denies and alleges as follows:

I

Defendant State of Arizona admits the jursidiction of this Court over the real property described in the exhibit attached to the Complaint, but affirmatively alleges the jurisdiction is not exclusive and denies continuing jurisdiction over other areas.

II

In answer to paragraph II of the Complaint, the State of Arizona admits that Title 28, United States Code, § 2409(a) confers consent to sue the United States to quiet title.

III

In answer to paragraph III of the Complaint, the State of Arizona admits that upon California's admission to the Union, California became the owner of the beds of all navigable rivers within its boundaries. Defendant denies the remaining allegations contained therein.

IV

In answer to paragraph IV, Defendant State of Arizona admits the Constitution of California reads as stated. Arizona further admits that the boundary between the states of Arizona and California was approved by Congress in 1966. Defendant denies the remaining allegations contained therein.

V

Defendant State of Arizona admits that the Colorado River has been and is a navigable river of the State of California; however Defendant State of Arizona affirmatively alleges that the Colorado River has been and still is a navigable river of the State of Arizona.

VI

In answer to paragraph VI, Defendant State of Arizona admits that California is the owner of lands lying within the bed of the Colorado River as described in Exhibit "A" attached to the Complaint; however State of Arizona affirmatively alleges there are errors in the

description contained in Exhibit "A", as follows: (i) Page 24, line 28 should read: N 68° 46' 07" W 60.86 feet; (ii) Page 26, line 35 should read: N 30° 13' 30" W 285.83 feet; (iii) Page 29, line 11 should read: N 17° 03' 40" W 151.67 feet; (iv) Page 29, line 25 should be deleted except for the words ". . . to a point" (v) Page 29, the last line on the page should read "westerly boundary . . ." (vi) Page 30, line 4 should read "westerly boundary . . ." (vii) Page 38, line 17 should read: S 71° 21' 51" E 136.25 feet; (viii) Page 38, line 33 should read: S 77° 39' 39" E 196.21 feet; (ix) Page 46, line 31 should read: S 39° 58' 33" E 258.69 feet;

VII

Defendant State of Arizona denies the allegations contained in paragraph VII.

VIII

In answer to paragraph VIII of the Complaint, Defendant State of Arizona admits the United States is a riparian land owner along the Colorado River. The State of Arizona is without knowledge or information sufficient to form a belief as to the remaining allegations and therefore denies the same.

IX

The State of Arizona disclaims interest in the lands described in Exhibit "A" except as set forth in paragraph VI. However the State of Arizona is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore denies the same.

X

Defendant State of Arizona denies the allegations contained in paragraph X.

XI

Defendant State of Arizona denies the allegations contained in paragraph XI of the Complaint.

XII

FAILURE TO STATE A CLAIM

The Complaint filed by the State of California fails to state a claim upon which relief can be granted.

XIII

Since this action is equitable in nature the Court should award Arizona its reasonable attorneys' fees in defense of this litigation.

WHEREFORE, Defendant State of Arizona having fully answered the Complaint hereby prays that a decree be entered as follows:

1. Adjudge that the State of Arizona and the State of California have title quieted in their respective lands described in exhibits attached to the complaint and counterclaim;

2. Perpetually enjoin the United States of America from ever asserting any right, title or interest in or to the lands described in the exhibits or any part thereof;

3. Deny California's request to retain jurisdiction over future possible lawsuits regarding other areas along the Colorado River;

4. For the State of Arizona's costs of suit herein and reasonable attorneys' fees;

5. For such other relief as this Court may deem just and proper.

DATED this 29th day of June, 1979.

ROBERT K. CORBIN
Attorney General

By _____
RUSSELL A. KOLSRUD
Assistant Attorney General
Attorneys for Defendant
State of Arizona

PROOF OF SERVICE

RUSSELL A. KOLSRUD, a member of the bar of this Court, certifies that all parties required to be served have been served on this 29th day of June, 1979, by mailing three copies of this amended answer, postage prepaid, and addressed to:

(i) Honorable Edmund G. Brown, Jr.
Governor of the State of California
State Capitol
Sacramento, California 95814

(ii) Honorable George Deukmejian
Attorney General of California
Allan J. Goodman
Deputy Attorney General
Department of Justice
3580 Wilshire Boulevard
Los Angeles, California 90010

(iii) Honorable Wade J. McCree, Jr.
Solicitor General of the United States
United States Department of Justice
Washington, D. C. 20530

(iv) James W. Moorman
Assistant Attorney General of
the United States
Land and Water Resources Division
United States Department of Justice
Washington, D. C. 20530

RUSSELL A. KOLSRUD